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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,306	11/02/2001	Aaron M. Smith	D2805	4466

43471   7590   01/12/2006

GENERAL INSTRUMENT CORPORATION DBA THE CONNECTED
HOME SOLUTIONS BUSINESS OF MOTOROLA, INC.
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HORSHAM, PA 19044

EXAMINER
SON, LINH L D

ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 November 2001</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This office action is written in responding to the application filed on

10/17/2005.

2.   Claims 1-23 are pending.

Response to Arguments

3.   The Office received a Terminal Disclaimer dated 10/17/05 in response to the

Double Patenting Rejection in the Office Action dated 06/30/05, and

therefore overcomes the Double Patenting rejection.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102

that form the basis for the rejections under this section made in this Office

action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   **Claims 1, 6-8, 9, 17, and 20-23 are rejected under 35 U.S.C. 102(e) as being**

anticipated by Lin et al, US Patent No. 6603849, hereinafter "Lin".

6.   **As per claims 1, 6-8, 9, 17, and 20-23:**

Lin discloses "A method of seamlessly transferring a communication session between a

first device and a correspondent device on an IP network from the first device to a

second device, the method comprising: initiating a communication session between the

correspondent device and the first device having a first device IP address, and being

configured to allow a user to receive or send the communication session therefrom" in

(Col 2 line 65 to Col 3 line 15); "negotiating to transfer the communication session from

the first device to a second device, the second device being configured to allow a user

to receive or send the communication session therefrom" in (Col 4 lines 25-55); "and

transferring the first device IP address session from the first device to the second IP

address session on another device so that data transferred from the correspondent

device to the first device via the address thereof will be received by the second device"

in (Col 4 line 64 to Col 5 line 35).

7.   **As per claims 20-21:**

Lin discloses "A system for seamlessly transferring a communication session between

different devices on an IP network occurring between a correspondent and one of the

devices, the system comprising: a first device having a first IP address that is used to

direct packets intended for receipt by the first device from the correspondent over the

network to the first device, the first device being configured to allow a user to receive or

send the communication session therefrom" in (Col 2 line 65 to Col 3 line 15); "a second

device having a second IP address that is used to direct packets intended for receipt by

the second device from the correspondent over the network to the second device, the

second device being configured to allow a user to receive or send the communication

session therefrom" in " in (Col 5 lines 20-25); "and a switch associated with the devices

operable to enable the second device to receive at least certain ones of the packets

intended for the first device from the correspondent for seamless session transfer

between the device" in (Col 4 lines 25-55, and Col 4 line 64 to Col 5 line 35).

Claim Rejections - 35 USC § 103

8.   **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for**

all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

9.   **Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et**

al, US Patent No. 5517618, hereinafter "Lin".

10.   **As per claim 5:**

Lin discloses "A method according to claim 1". However, Lin does not explicitly teach

"the method further comprises: generating a wake-up message once the communication

session is no longer to be transferred causing the first device to resume receiving

communication sessions addressed to its IP address".

Nevertheless, Lin teaches the wake-up message, which is the message use to notify

the gateway to re-route the communication to an alternative IP address (Col 5 lines 20-

35).

Therefore, it would have been obvious at the time of the invention was made for one

having ordinary skill in the art to realize that an update message can also be used to

stop the re-routing setup, so that the communication on the first can resume to receive

incoming communication (Col 3 lines 50-65)

11.   Claims 2-4, and 10-16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lin in view of Patel, US Patent No. 6591364 (Cited in PTO

892 dated 06/30/05).

12.   As per claims 2-4, and 10-13:

Lin discloses a method of transferring a communication session from the first device to

the second device.

However, Lin does not explicitly teach "a method of transferring the communication

session securely using a random number to serve as a session key".

Nevertheless, Patel discloses the "Method for establishing session key agreement"

invention which includes a method of communicating a secure and encrypted

conversation using a random number as a session key in (Col 7 lines 51-65).

Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to modify Lin's method of transferring a communication session to incorporate Patel's method of utilize a session key to provide a secure transferring session.

13.   As per claim 14:

Lin and Patel disclose "A method according to claim 13, wherein the method further comprises: authenticating the notice from the first device to the Agent to ensure that the first device is the source of the notice" in (Patel, Col 7 lines 51-65).

14.   As per claim 15:

Lin and Patel disclose "A method according to claim 13, wherein the method further comprises: notifying the Agent whether the second device is authorized to transfer the session" in (Patel, Col 7 lines 51-65).

15.   As per claim 16:

Lin discloses a method of transferring a communication session from the first device to the second device.

Lin is silent on "the method further comprises: generating a random number to serve as a session key for the secure transfer of the session between the Agent and the second device; encrypting the session key; transferring the encrypted session key between the first device and the second device and the first device and the Agent; and using the session key to securely transfer the communication session from the Agent to the second device".

Nevertheless, Patel discloses the "Method for establishing session key agreement"

invention which includes a method of communicating a secure and encrypted

conversation using a random number as a session key in (Col 7 lines 51-65).

Therefore, it would have been obvious at the time of the invention was made for one

having ordinary skill in the art to modify Lin's method of transferring a communication

session to incorporate Patel's method to provide a secure transferring session.

16.   Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Lin in view of Johnston, US/6373946.

17.   As per claims 18:

Lin discloses "A method of transferring a communication session between a

Transferring Node and a Correspondent Node from the Transferring Node to a Target

Node without disrupting the communication session, the method comprising: initializing

a communication session between a Correspondent Node and a Transferring Node, the

Transferring node being configured to allow a user to receive or send the

communication session therefrom" in (Col 2 line 65 to Col 3 line 15); "negotiating a

session transfer between the Transferring Node and a Target Node" in (Col 4 lines 25-

55); *(generating a random number to serve as a session key as a result of the*

negotiating; encrypting the session key via a security association between the

Transferring Node and an Agent; transmitting the encrypted session key between

the Transferring Node and an Agent; transmitting the encrypted session key

between the Transferring Node and the Target Node, the Target Node being

configured to allow a user to receive or send the communication session

therefrom). "notifying the Agent that the communication session is being transferred

from the Transferring Node to the Target Node" in (Col 4 lines 28-45); "authenticating

the transfer notification by having the Agent verify that the Transferring Node sent the

transfer notification; intercepting the session communications intended for the

Transferring Node via the Agent" in (Col 4 lines 60 to Col 5 line 25, and Col 3 lines 6-

15); and *(tunneling the session communications intended for the Transferring*

Node to the Target Node via the Agent).

However, Lin does not teach "*generating a random number to serve as a session*

key as a result of the negotiating; encrypting the session key via a security

association between the Transferring Node and an Agent; transmitting the

encrypted session key between the Transferring Node and an Agent; transmitting

the encrypted session key between the Transferring Node and the Target Node,

the Target Node being configured to allow a user to receive or send the

communication session therefrom; and tunneling the session communications

intended for the Transferring Node to the Target Node via the Agent"

Nevertheless, Johnston discloses the "Communication Security" invention, which

includes a method of encrypting a communication link between terminal 2a through a

base station 15 to terminal 2b utilizing an random number as an session encryption key.

The random session key and each terminal enciphering key (ka, kb) are calculated to

derive a partial key (K_{pa}, K_{pb}). Once the random session key got derived back from the

partial key sent from the base station, a secure communication channel or a tunnel can

be setup to transmit data between the terminal 2a and terminal 2b (Col 9 lines 53 to Col 10 lie 28).

Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to modify Lin's method of transferring a communication session to incorporate Johnston's communication security invention to provide a secure communication between the transferring node and the target node.

18.   As per claim 19:

Lin and Johnston disclose "The method of claim 18, wherein the method comprises: determining whether the Transferring Node has permission to transfer the communication session; and disabling the Transferring Node's ability to transfer the communication session if the Transferring Node does not has permission to transfer the session" in (Lin, Col 3 lines 1-7, Col 3 lines 48-62, and Col 4 lines 25-45)

19.   Any inquiry concerning this communication or earlier communications

from the examiner should be directed to Linh LD Son whose telephone

number is 571-272-3856. The examiner can normally be reached on 9-6 (M-

F).

20.   If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax

phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

21.   Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status

information for published applications may be obtained from either Private

PAIR or Public PAIR. Status information for unpublished applications is

available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on

access to the Private PAIR system, contact the Electronic Business Center

(EBC) at 866-217-9197 (toll-free).

Linh LD Son
Examiner
Art Unit 2135
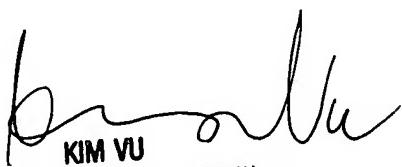
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